

# United States District Court

WESTERN DISTRICT OF MICHIGAN

**UNITED STATES OF AMERICA**

V.

**BLAISE JAMES BALCZAK**

## **ORDER OF DETENTION PENDING TRIAL**

Case Number: 1:13-MJ-208

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

### **Part I - Findings of Fact**

- (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
  - a crime of violence as defined in 18 U.S.C. §3156(a)(4).
  - an offense for which the maximum sentence is life imprisonment or death.
  - an offense for which the maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_
  - a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.
- (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant has not rebutted this presumption.

### **Alternate Findings (A)**

- (1) There is probable cause to believe that the defendant has committed an offense
  - for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_
  - under 18 U.S.C. §924(c).
- (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

### **Alternate Findings (B)**

- (1) There is a serious risk that the defendant will not appear.
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Defendant is charged with bank robbery. He is 44 years old and a long-time resident of Grand Rapids with no criminal history. He owns his own home and previously worked for Meijer for 12 years before being laid off in 2011 for excessive absenteeism. His unemployment compensation ran out in April 2013 and his only source of income is rental income from his roommate. Defendant has never been married nor fathered children.

Defendant has a substance abuse problem and an alcohol problem. He states he consumes [continued on next page]

### **Part II - Written Statement of Reasons for Detention**

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that no condition or combination of conditions will assure the safety of the community from similar behavior by the defendant in the future. Defendant is unemployed and appears to be extensively relying upon marijuana and alcohol. This led him in a time of stress (apparently believing his house would be foreclosed upon) to exercise extremely bad judgment and to rob a bank. While his house appears momentarily safe from foreclosure (although this could change [continued on next page]

### **Part III - Directions Regarding Detention**

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: July 8, 2013

/s/ Hugh W. Brenneman, Jr.

*Signature of Judicial Officer*

Hugh W. Brenneman, United States Magistrate Judge

*Name and Title of Judicial Officer*

\*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. §801 et seq.); (b) Controlled Substances Import and Export Act (21 U.S.C. §951 et seq.); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. §955a).

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**Alternate Findings (B) - (continued)**

alcohol up to four times per week, with 12 beers per episode. He smokes marijuana 3 times per week and has done so for the past 28 years. When a search warrant was executed at his house, five marijuana plants were found on-site.

Although defendant has been characterized by his cousin as having always been "slow," there is no question that he was able to take a number of steps to prepare to commit this robbery and to conceal his identity and the proceeds of the robbery after he committed it. It is possible he did so in a mistaken belief that his house was being foreclosed upon, which was not the case.

**Part II - Written Statement of Reasons for Detention - (continued)**

under the present circumstances), the stressors on defendant are certainly no less now that he is faced with the very strong likelihood of a bank robbery conviction and prison. His demonstrated lack of judgment under these circumstances, coupled with, or perhaps caused by, his extensive use of drugs and alcohol, continue to make him an unpredictable and therefore unacceptable risk if released at this time.